

Serial No.: 09/397,959

**REMARKS****INTRODUCTION:**

Claims 27-32 are allowed. Claims 14-24 are rejected. Reconsideration with regard to claims 14-24 is respectfully requested. The applicant and inventor, Karl Stahl, who also is an engineer skilled in this field of technology, requests consideration of his technical comments responsive to the Examiner's arguments recently presented in the last Office Action regarding the language and features for the gateway device and system recited in independent claims 14 and 17.

**ENTRY OF RESPONSE UNDER 37 C.F.R. § 1.116**

Applicant requests entry and consideration of this Rule 116 Request for Reconsideration because:

- (a) no amendments are made to the claims that were not presented previously;
- (b) only technical comments by the inventor and engineer in this field of technology are present responsive to the Examiner's comments just recently set forth in the final Office Action.

**THE REJECTION OF INDEPENDENT CLAIMS 14 AND 17 UNDER 35 U.S.C. §102 FOR ANTICIPATION:**

In the Office Action, at page 2, numbered paragraph 2, claims 14-24 (claims 14 and 17 being the independent claims) are rejected under 35 U.S.C. §102 as being anticipated by Chang et al (US Patent 7,280,430 B2) (hereinafter "Chang"). Reconsideration is requested by the applicant for the following reasons.

Regarding the two independent claims 14 and 17, in the present invention, it is essential and beneficial that the gateway location server is separate from the calling device, so it can be used by all callers and not only the ones connected to the calling device. In Chang's invention, element 26 serves as the gateway location server only for the callers connected to 26 (via the PBX 34). In both of the pending independent claims 14 and 17, there is specifically expressed or recited elements:

"... a single channel gateway means in said device for establishing a path between said first port and said second port inside said device in response to a request from a server on the

Serial No.: 09/397,959

packet based telecommunication network that is separate from a calling device that a caller at a remote location is using, and the server is acting on behalf of the caller at the remote location; and

means for responding to said request by connecting said second port directly to said caller at the remote location via the packet based telecommunication network...." (underlining added for emphasis).

As further technically explained by the applicant/inventor/engineer, such claim elements expressly state that the server (300") is separate from the calling device (200') and that the second port of the intermediary device (200") will be directly connected to the calling device (200').

This, therefore, specifies that the server (300") cannot be the same device as the calling device (200') and that the voice data stream does not pass the server (300").

In the Office Action, under paragraph no. 2 (pp. 2-3), independent claims 14 and 17 are rejected, motivated by arguments that Chang discloses "... a server 26 ... that is separate from a calling device 38..." and "...connecting the second port 162 directly to the caller telephone 38..." In the Office Action (Response to Arguments) under paragraph 4 (page 6), the Examiner explains that the connection between the second port 162 and caller telephone 38 is via the server 26 (and thus really not "direct"). However, an analogy is made with the present invention as described where the second port is connected to the caller 160'/170/180 via the gateway telephone 200'.

While the Examiner's above general reasoning may appear to be itself correct, it is not correct when considering both the "separate" and "directly" specific recitations and requirements of both independent claims 14 and 17.

In the Examiner's view in the Office Action, under paragraph 2, the calling device is compared to Chang's 38, and Chang's server 26 is then separate. However, the second port of Chang is not directly connected to 38 but via 26. In the Examiner's view in the Office Action, under paragraph 4, the calling device is compared to Chang's 26 (or 26 plus 38), whereby the second port is directly connected to 26. However, the server is then not separate from the calling device. To the contrary, with this view, 26 of Chang is both the server and the calling device. Thus, with either view taken by the Examiner in the present Office Action, Chang's invention does not fulfill the specific language and feature recitations of both independent claims 14 or 17, and therefore cannot be rejected for anticipation under 35 U.S.C. §102.

Serial No.: 09/397,959

RECEIVED  
CENTRAL FAX CENTER

FEB 16 2010

Regarding dependent claims 15-16 and 18-24, these claims are dependent on either independent claim 14 or 17. Chang does not disclose the devices at least for the same reasons as detailed above for claims 14 and 17.

**TELEPHONE INTERVIEW REQUESTED:**

In view of the inventor's further detailed technical comments above, it is believed both independent claims 14 and 17 are allowable in their present forms. However, if further adjustments to claims 14 and 17 would assist the Examiner in clarifying the allowable subject matter as explained above by the inventor, it is believed a telephone interview by the undersigned and the Examiner would be beneficial to expeditiously resolve any such outstanding concerns by the Examiner of the present language of claims 14 and 17 to place them in condition for allowance.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If there are any underpayments or overpayments of fees associated with the filing of this Request for Reconsideration, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS &amp; HALSEY LLP

Date: February 16, 2010By: David M. Pitcher

David M. Pitcher

Registration No. 25,908

1201 New York Avenue, N.W.  
Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450  
on February 16, 2010

STAAS &amp; HALSEY

By: Santra BryantDate: 2/16/10